

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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WILLIS B. ANNIS,

Plaintiff,

v.

DOUGLAS COUNTY SHERIFFS, *et al.*,

Defendants.

Case No. 3:21-cv-00494-MMD-WGC

ORDER

**I. SUMMARY**

*Pro se* Plaintiff Willis B. Annis brings this action under 42 U.S.C. § 1983. (ECF No. 1-1.) In his initial filing, Annis did not use the Court's required form to apply to proceed *in forma pauperis* ("IFP Application"). The Court denied his IFP application without prejudice and instructed Annis to refile on the approved IFP Application Form on or before January 2, 2022. (ECF No. 3.) Annis did not meet that deadline, but did file various other motions.<sup>1</sup> On January 5, 2022, United States Magistrate William G. Cobb issued a Report and Recommendation (ECF No. 9 ("R&R")), recommending the Court dismiss the case and deny the pending motions as moot. Annis then filed a "notice," which the Court construes as an objection to the R&R (ECF No. 10 ("Objection")), as well as another IFP Application (ECF No. 11) which was also on the improper form. Because Annis failed to comply with the Court's prior order and has still not filed an IFP Application on the proper form, the Court will adopt the R&R and dismiss this case without prejudice.

**II. LEGAL STANDARD**

This Court "may accept, reject, or modify, in whole or in part, the findings or

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<sup>1</sup>These include a motion to provide oversight in a state court case (ECF No. 5), a motion for leave to amend and to add defendants in this case (ECF No. 6), another motion to amend (ECF No. 7), and a third motion to amend and "investigate" (ECF No. 8).

1 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
2 timely objects to a magistrate judge’s report and recommendation, then the Court is  
3 required to “make a de novo determination of those portions of the [report and  
4 recommendation] to which objection is made.” *Id.* The Court’s review is thus de novo  
5 because Plaintiff filed his Objection. (ECF No. 10.)

### 6 **III. DISCUSSION**

7 The Court gave Annis a deadline to file his completed IFP Application on the proper  
8 form, and he failed to meet that deadline. Moreover, the IFP Application which he filed late  
9 was still not on the correct form. Annis appears to have used an *in forma pauperis* form  
10 from another district court. Per this Court’s Local Rules,<sup>2</sup> “[a]ny person who is unable to  
11 prepay the fees in a civil case may apply to the court for leave to proceed *in forma*  
12 *pauperis*.” LSR 1-1. However, “[t]he application must be made on the form provided by the  
13 court and must include a financial affidavit disclosing the applicant’s income, assets,  
14 expenses, and liabilities.” *Id.* Accordingly, even reviewing the case de novo, the Court  
15 agrees with Judge Cobb.

16 If Annis wishes to pursue these claims, he must file a complaint which clearly states  
17 which claims he is asserting against which defendants, and he must support those  
18 allegations with facts. The documents Annis files indicate he is currently a pretrial detainee  
19 in the custody of the Douglas County Sheriff. The Court provides a form complaint for  
20 inmates who are protesting the conditions of their confinement.<sup>3</sup> Moreover, he must use  
21 the District of Nevada’s approved form for proceeding *in forma pauperis*. Plaintiffs who are  
22 incarcerated and are seeking to file a lawsuit relating to the conditions of their confinement  
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25 <sup>2</sup>The Local Rules are available online at the District of Nevada’s website and may  
26 be found at: <https://www.nvd.uscourts.gov/wp-content/uploads/2020/04/Local-Rules-of-Practice-Amended-2020.pdf>.

27 <sup>3</sup>The form for an inmate § 1983 complaint can be found here:  
28 <https://www.nvd.uscourts.gov/wp-content/uploads/2021/11/Final-1983-Complaint-and-Instructions.pdf>.

1 must use the Court's forms for inmate plaintiffs.<sup>4</sup> Plaintiffs who are not incarcerated must  
2 use the Court's forms for non-inmate plaintiffs.<sup>5</sup> Failure to comply with the Court's rules  
3 will result in the dismissal of the case.

4 **IV. CONCLUSION**

5 The Court notes that the parties made several arguments and cited to several cases  
6 not discussed above. The Court has reviewed these arguments and cases and determines  
7 that they do not warrant discussion as they do not affect the outcome of the issues before  
8 the Court.

9 It is therefore ordered that Annis' objection (ECF No. 10) to the Report and  
10 Recommendation of U.S. Magistrate Judge William G. Cobb is overruled. The Report and  
11 Recommendation of U.S. Magistrate Judge William G. Cobb (ECF No. 9) is accepted in  
12 its entirety.

13 It is further ordered that this action is dismissed without prejudice. If Annis wishes  
14 to pursue any of his claims, he must file a new case and must use the Court's approved  
15 forms.

16 It is further ordered that the pending motions (ECF Nos. 5, 6, 7, 8, 11) be denied  
17 as moot.

18 The Clerk of Court is directed to close this case. No further documents may be filed  
19 in this now closed case.

20 DATED THIS 20<sup>th</sup> Day of January 2022.

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23 MIRANDA M. DU  
24 CHIEF UNITED STATES DISTRICT JUDGE

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26 <sup>4</sup>The inmate IFP Application forms can be found here:  
27 <https://www.nvd.uscourts.gov/wp-content/uploads/2020/12/IFP-Inmate-Packet-Effective-12-1-20-FINAL.pdf>.

28 <sup>5</sup>The non-inmate IFP Application forms can be found here:  
<https://www.nvd.uscourts.gov/wp-content/uploads/2020/12/IFP-Non-Inmate-12-1-20.pdf>.